THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

Writ Petition No.14557 of 2006

(per the Hon'ble Sri Justice T.Ch.Surya Rao)

Dated 31st July, 2006

Between:

Rakesh Malik and another .. Petitioners

and

Chinna Ramulu and others .. Respondents

THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

Writ Petition No.14557 of 2006

ORDER: (per the Hon'ble Sri Justice T.Ch.Surya Rao)

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In the instant writ petition the petitioners seek stay of all further proceedings in L.G.A.No.2 of 2005 pending on the file of the Special Court under the A.P. Land Grabbing (Prohibition) Act, 1982. The plea of the petitioners seems to be that they filed a suit, O.S.No.443 of 2005, which is pending adjudication on the file of the Chief Judge, City Civil Court, Hyderabad, wherein the main question of title would be adjudicated upon and inasmuch as in the land grabbing case filed subsequent thereto the question of title by prescription is involved and having regard to the latest judgment of the Supreme Court in *N.Srinivasa Rao v. Special Court Under A.P. Land Grabbing (Prohibition) Act*[1], that cannot be adjudicated upon by the Special Court, which squarely falls within the domain of the civil Court, the proceedings before the Special Court shall have to be stayed pending adjudication of the suit in O.S.No.443 of 2005.

The point involved is obviously jurisdictional fact. It can be

raised before the Special Court when the matter is taken up for hearing by the learned Court. At this stage, the learned counsel for the petitioners seeks to withdraw the writ petition with the necessary leave to urge the same point before the Special Court. As a matter of that, the petitioners are entitled to take the jurisdictional plea, since it goes to the root of the matter.

With the above leave, the Writ petition is dismissed as withdrawn. No order as to costs.

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T.CH.SURYA RAO, J.

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G.CHANDRAIAH, J.

31st July, 2006.
skmr

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[1] (2006) 3 ALD 10 (SC)